

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-242

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	Ross McLeary Appellant
And	Dunedin City Council Respondent

Notice of partial withdrawal of appeal

28th January 2020

Respondent's solicitors:

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**anderson
lloyd.**

May it please the Court

- 1 Ross Thomas McLeary (**Appellant**) filed a Notice of Appeal on Dunedin City Council's (**Council**) proposed Dunedin City Second Generation District Plan (**2GP**) on 17 December 2019.
- 2 There are no section 274 parties to this appeal.
- 3 The original submission from Mr McLeary (referred to as *Scroggs Hill Farm Limited* (OS1052.1)) sought to amend Rule 17.7.5 of the 2GP for his two properties at 155 and 252 Scroggs Hill Road, Brighton, to reduce the minimum site size in the Rural Residential 1 (**RR1**) zone to below 2 hectares in order to account for natural land features¹:

Impacts to COF Limited (155 Scroggs Hill Road)

- Rural Residential Zone sites should be reduced from 2Ha. To account for natural land features.

...

Impacts to Scroggs Hill Farm Limited (252 Scroggs Hill Road)

- Rural Residential Zone sites should be reduced from 2Ha. To account for natural land features.

...

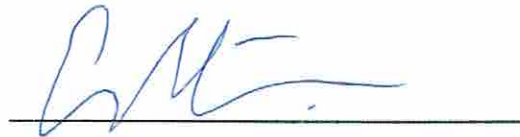
- 4 The Notice of Appeal sought to add to Rule 17.7.5 that the average lot size for Rural Residential lots will not be less than 2 hectares when averaged across the Record of Title which is being subdivided, and with all lots being subject to a covenant that prohibits further division of the lots in the subdivision. This appeal (Council appeal point reference 101) was placed in the Group 1 Strategic – Rural Residential Strategic topic. This was because this rule change could affect a large number of properties.
- 5 Since filing the Notice of Appeal the Appellant now seeks to narrow the relief to only apply to his two properties at 155 and 252 Scroggs Hill Road, Brighton. The appellant is not interested in pursuing district wide relief. It is noted that this is more consistent with the scope of the original submission. With this narrowed relief the parties agree that the appeal would be more appropriately dealt

¹*Scroggs Hill Farm Limited* (OS1052.1), page 3

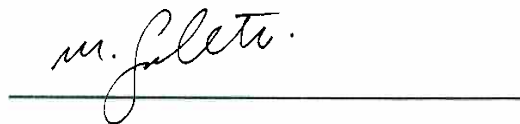
with as site specific relief in Group 4 rather than as strategic in Group 1.

- 6 The Appellant hereby respectfully requests that its appeal is withdrawn in part so that the extent of any change to Rule 17.7.5 (or any alternative methods used to manage minimum site size for subdivision and residential density at the two properties) is confined to affect only the Appellant's properties at 155 and 252 Scroggs Hill Road, Brighton. The Appellant and the Respondent as a consequence jointly request that this appeal is moved from Group 1 to a site specific appeal in Group 4.
- 7 The parties agree that there are no issues as to costs.

Dated this 28th day of January 2020

A handwritten signature in blue ink, appearing to read 'Emma Peters', is written over a horizontal line.

Emma Peters
Authorised Representative for the Appellant

A handwritten signature in black ink, appearing to read 'Michael Garbett', is written over a horizontal line.

Michael Garbett
Counsel for the Respondent